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Giuseppe Diomelli

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EXAMINER

HOQUE, NAFIZ E

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,210	<b>Applicant(s)</b> DIOMELLI, GIUSEPPE	
	<b>Examiner</b> NAFIZ E. HOQUE	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' claims filed on May 22, 2009 have been entered. Claims 1, 20, 26-27, and 30 have been amended. No claims have been added. No claims have been canceled. Claims 1-38 are still pending in this application, with claims 1, and 20 being independent.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13, 17-28, 30-31, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US 7,313,617) in view of Nelson et al. (US 6,628,644).

Regarding claims 1 and 20, Malik discloses a method/apparatus for initiating, receiving, controlling and managing different types of synchronous and asynchronous

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communications (col. 2, lines 10-30) over LAN, WAN and Internet networks, (see fig. 2, el. 26; fig. 3, el. 102, 104) comprising the steps of:

providing Communications Devices and/or Terminals for permitting one or more users to transmit and receive synchronous and asynchronous communications (col. 2, lines 10-30); and

providing Network Server and Local Area Network infrastructures (col. 12, lines 53 - 65) for transporting data and all the communications between the said Communications Devices and/or Terminals,

wherein all the Communication Devices and/or Terminals inbound and outbound communications are initiated, received, controlled and managed by using an program (fig. 5a, fig. 8, fig. 12 – uses CIR program), the method thereby replacing the use of a traditional telephone switchboard or exchange system of the PBX, PABX, and IPPBX type.

Malik does not explicitly disclose wherein all the inbound and outbound communications are initiated, received, controlled and managed by using an Internet Web Browser.

Nelson discloses wherein all the Communication Devices and/or Terminals inbound and outbound communications are initiated, received, controlled and managed by using an Internet Web Browser communicating with a Web Services section of the single central processor or Network Server providing Communications Channels (fig. 3; abstract; col. 1, line 61 - col.2, line 6; and col. 7, lines 32-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Malik with the teaching of Nelson, in order to provide an Internet Browser based capability so that it can be used in any computer without installing proprietary programs.

Regarding claim 2, see rejection of claim 1.

Regarding claim 3, Malik discloses wherein said inbound and outbound communications comprise both synchronous and asynchronous communications (col. 2, lines 10-30).

Regarding claim 4, Malik discloses wherein all said inbound and outbound communications, are initiated, received, controlled and managed either individually and/or by mixing two or more simultaneous communications (col. 2, lines 10-30).

Regarding claim 5, Malik discloses wherein said inbound and outbound communications are initiated, received, controlled and managed, even mixing different types of all said communications (fig. 12).

Regarding claim 6, see rejection of claim 1.

Regarding claim 7, Malik discloses wherein said inbound and outbound communications are effected, through direct and/or indirect connections, between said central processor or Network Server and the communications terminals of public and private communications networks for wired telecommunications and video communications as well as the communications networks for wireless telecommunications or video communications and satellite networks (fig. 2; fig. 3).

Regarding claim 8, see rejection of claim 7.

Regarding claims 9 and 22, Malik discloses wherein each communication channel of all said inbound and outbound communications is activated, controlled and managed by using a single software program equipped with a single central software nucleus (KERNEL) installed on said single central processor or Network Server, and by using Browser interactive graphic interfaces enabled by a section (Web Services) of said central processor or network server and displayed on the visual display panels of the Communications Devices or Terminals connected to said Local Computer Networks LANs, satellite networks, the Internet or other networks (col. 4, lines 62-col. 5, lines 11, fig. 4, fig. 8).

Regarding claim 10, Malik discloses wherein operating functions for the management of different types of communications and display of data pertaining to a caller and a party called, as well as other data pertaining to the said ongoing communications, are activated through access to specific sections of a Database by using an Internet Web Browser, said Web Browser comprising at least one graphic toolbar featuring two distinct groups of interactive icons (Malik, fig. 5a, 5b; fig. 8)(also see Nelson - fig. 3).

Regarding claim 11, see rejection of claim 10.

Regarding claim 12, see rejection of claim 10.

Regarding claims 13 and 25, Malik discloses logging and storing in a single database all data pertaining to all communications effected through any Communications Device and/or Terminal connected to and/or interacting with said LAN or group of LANs, or satellite network, or other networks (fig. 2, element 24).

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Regarding claim 17, see rejection of claim 1.

Regarding claims 18 and 36, see rejection of claim 1.

Regarding claims 19 and 37, see rejection of claim 10.

Regarding claim 21, see rejection of claim 1.

Regarding claim 23, see rejection of claim 10.

Regarding claim 24, Nelson discloses further comprising a one or more devices, terminals and personal computers connected to Local Area Networks LANs, to the Internet, to satellite networks, or to other networks, regardless of the operating system used to drive said Devices, Terminals and Personal Computers (fig. 1, element 40 and 50).

Regarding claim 26, Malik discloses wherein said central processor comprises: logical-functional sections designed to support and manage all said types of communications (fig. 2, el. 24);

and at least one section for the storage, in a single centralized Database, of the settings associated with said devices as well as of the log of the historical data pertaining to the said communications (fig. 5b).

Regarding claims 27 and 28, Malik discloses wherein said logical-functional sections are configured for: interfacing said apparatus with the Communications Devices and/or Terminals connected to said local area network LAN, to wired and wireless telecommunications networks as well as to other computer networks, including the Internet (fig. 4); managing said communications between the Communications Devices and/or Terminals connected to said local area network LAN and between said

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Communications Devices and/or Terminals and the telecommunications networks and other computer networks (fig. 9); logging, into said section, the historical data pertaining to the communications managed by said apparatus (fig. 5b - list of calls); and displaying, by means of said Web services section, on the visual display panels of the Communications Devices and/or Terminals connected to the computer networks, the interactive graphic interfaces and to managing such interfaces so as to allow, using standard browser methodology, access to and the activation of the operating functions of said apparatus (fig. 3, el. 96).

Regarding claim 30, Malik further discloses interfaces for various connections (see fig. 3).

Regarding claim 31, Malik discloses wherein the access to specific sections of said Database and the activation of the operating functions of said apparatus as well as the display of the data pertaining to the called party and the caller, and other data pertaining to the call underway, are enabled through interacting with two distinct groups of icons that appear on the Internet Web Browser displaying a graphical toolbar (fig. 9).

Regarding claims 35 and 38, see rejection of claim 10.

5. Claims 14-16 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US 7,313,617) and Nelson et al. (US 6,628,644) in view of Robinson et al (US 6,141,411).

Regarding claim 14-16 and 32-34, Malik discloses synchronous and asynchronous communications method/apparatus.



The combination of Malik and Nelson does not disclose the step of routing each call only after the system has automatically searched for and selected the cheapest communications network available for each type of communication placed from Communications Devices.

Robinson discloses the step of routing each call only after the system has automatically searched for and selected the cheapest communications network available for each type of communication (Robinson, fig. 1; col. 6, lines 10-60; col. 7, lines 7-col. 8 line 7) placed from Communications Devices and/or Terminals.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Malik and Nelson to include routing thru cheapest communications as taught by Robinson in order to lower the cost of calls for the customer.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US 7,313,617) and Nelson et al. (US 6,628,644) in view of Balasuriya (US Pub 2003/0041048).

Regarding claim 29, Malik and Nelson discloses wherein said Communications Devices and/or Terminals connected to the local area network LAN include the following: a Personal Computer or Client Processor, an IP Phone, a Palmtop PDA Computer that may be fitted with a loudspeaker and microphone, a Personal Computer or Client Processor fitted with headphones, a microphone and a webcam, a POTS analogue phone, a standard analogue fax machine, a Router with or without a firewall, a

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Communications Device and/or Terminal enabling transmission and reception via satellite, connected to the LAN through the Router, a Personal Computer or Client Processor, connected to the Internet, and fitted with headphones, a microphone and a webcam, a telephone Device or Terminal for the public wireless telecommunications network (Nelson, fig. 1; col. 3, lines 5-15).

The combination of Malik and Nelson does not disclose a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal.

Balasuriya discloses a Communications Device and/or Terminal enabling transmission and reception via satellite, connected by satellite to the Communications Device and/or Terminal (Para 0020).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Malik and Nelson to include satellite communications as taught by Balasuriya in order to add utility by adding another method of communications.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAFIZ E. HOQUE whose telephone number is (571)270-1811. The examiner can normally be reached on M-F Alternate Fridays Off 7:30 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NAFIZ E HOQUE/  
Examiner, Art Unit 2614

/Ahmad F Matar/  
Supervisory Patent Examiner, Art Unit 2614